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HUMAN RIGHTS COMMITTEE
Seventy-sixth session

LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF THE THIRD AND FOURTH PERIODIC REPORTS (SUBMITTED AS A SINGLE DOCUMENT) OF EGYPT (CCPR/C/EGY/2001/3), ADOPTED BY THE HUMAN RIGHTS COMMITTEE ON 24 JULY 2002

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Can the law derogate from the provisions of the Covenant?

2. Can the provisions of the Covenant be invoked before Egyptian courts, and have they been? Please cite the most relevant cases, if appropriate.

3. In the opinion of the State party, what is the scope of the general reservation on the implementation of the Covenant?

4. Although the victims of extrajudicial executions, disappearances, torture and other inhuman or degrading treatment or punishment or of arbitrary detention at the hands of the security services or police do sometimes receive compensation, those guilty of such acts generally remain unpunished, especially in cases where those in authority depend on the security services. How can such a situation be justified in the light of article 2, paragraph 3, of the Covenant?

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State of emergency (art. 4)

5. Article 4, paragraph 1, of the Covenant provides that parties to the Covenant may derogate from their obligations only "to the extent strictly required by the exigencies of the situation", and the Committee's General Comment No. 29 on states of emergency, explains that "this requirement relates to the duration, geographical coverage and material scope of the state of emergency and any measures of derogation resorted to because of the emergency". How does the State party justify its claim that the circumstances that led to the proclamation of a state of emergency in October 1981 still exist today (para. 657 (j))?

Equality of the sexes and non-discrimination between men and women (arts. 3 and 26)

6. Please supply information about measures that the State party has taken, or plans to take, to ensure equality between men and women with respect to consent to marriage, the rights and duties of spouses, divorce and succession. Does the State party plan to take any measures to ensure the greater participation of women in political life and in the public and private sectors?

7. According to information available to the Committee, the Nationality Act (Law No. 26 of 1975) prevents Egyptian women from transmitting their nationality to their children if their husbands are not Egyptian nationals, while an Egyptian man married to a foreigner can transmit his nationality to his children. This information seems inconsistent with the interpretation of the Nationality Act given in paragraph 171 of the report. Has the law been amended pursuant to the recommendations that the Committee on the Elimination of Discrimination against Women made in 2001?

Right to life and prevention of torture (arts. 6 and 7)

8. Apart from the crimes given as examples in paragraph 274 of the report, what other crimes are punishable by death? Information available to the Committee indicates that increasing numbers of death sentences have been passed since the consideration of the previous report, although the Committee requested the State party to bring its legislation into line with the provisions of article 6 of the Covenant and, in particular, limit the number of crimes punishable by death. Please provide precise information and figures on the numbers of death sentences handed down over the past five years, broken down by category of crime. Please also indicate how many executions have taken place, how many sentences have been commuted, and how many people are awaiting execution of sentence.

9. The Committee has information indicating that members of the security forces torture or ill-treat detainees when they are arrested and during their inquiries. Please give details of the action taken to combat such practices. Please provide figures on the number of cases brought to punish such conduct. What remedies are available to the victims?

10. According to information available to the Committee, the definition of torture is limited to acts of physical violence and does not include threats, prolonged interrogation or psychological harassment (Penal Code, art. 126); no distinction is made between the actions of an ordinary citizen and those of a State employee (art. 282); the opportunities for victims to

lodge complaints are limited (Code of Criminal Procedure, arts. 2 and 63); and there is no possibility to appeal against a court decision (Code of Criminal Procedure, arts. 162 and 210). Please justify these provisions in the light of article 7 of the Covenant.

11. According to information received by the Committee, two Egyptian asylum-seekers, Ahmed Hussein Mustafa Kamil Agiza and Muhammad Muhammad Suleiman Ibrahim El-Zari, were deported from Sweden to Egypt on 18 December 2001. Please provide information on the current situation of these two individuals and on how the guarantees given to the Swedish Government to the effect that the individuals would not be treated in a manner contrary to article 7 of the Covenant are being respected.

12. The report does not address the concern expressed by the Committee in 1993 that the measures taken by Egypt to combat terrorism run counter to the rights protected by articles 6, 7 and 9 of the Covenant. References to terrorism in the current report occur in the context of laws passed to combat it. The definition of terrorism given in Act No. 97 of 1992 (paras. 505-507 and 618 and 619) is still general. Please provide fuller information on this subject.

Treatment of prisoners and other detainees, liberty and security of person, and right to a fair trial (arts. 9, 10 and 14)

13. Please give details of the laws governing detention in custody and pre-trial detention, and specify how they are applied in practice. Please describe the measures guaranteeing respect for the rights acknowledged in article 9, paragraph 3, of the Covenant and indicate at what stage access to a lawyer is guaranteed, both during ordinary criminal proceedings and in proceedings before the State security courts.

14. According to information available to the Committee, orders to detain individuals who have just completed their sentences in order to avoid setting them free are commonplace. Please provide specific information on this matter and indicate how compatible the practice is with article 9, paragraph 1, of the Covenant.

15. Any member of the Department of Public Prosecutions and any president or vice-president of a court of first instance or appeal is entitled to visit prisons situated within his area of jurisdiction in order to ascertain that no one is being detained illegally (paras. 323 and 359 and 360). Is this entitlement exercised, and how often? Do members of non-governmental organizations or other civil society entities also have the opportunity to make such visits?

16. According to information received by the Committee, conditions in the prisons of al-Wadi-al-Gadid, Leman Tora and Damanhour appear to be incompatible with article 10 of the Covenant. Please provide details on conditions in these prisons, including access to medical services and education.

17. Please provide additional details on the jurisdiction of the military courts and the procedures they apply (comparable to the details provided in paragraphs 240 to 249 of the report on the State security courts).

18. Do the State security courts operate only during states of emergency or can such courts also operate at other times?

19. How many persons have been tried and sentenced by military courts and State security courts over the past five years, and for what crimes? How, in the light of article 14 of the Covenant, does the State party justify giving military courts and State security courts jurisdiction over civilians for crimes under ordinary law?

20. In the light of article 14, paragraphs 1 and 7, of the Covenant, how does the State party explain the continued existence of the President's prerogative to intervene in the functioning of the courts?

21. The military law suggests that rulings by the higher State security courts and military courts are not subject to appeal. In the light of article 14, paragraph 5, of the Covenant, please provide more details on the procedure mentioned in paragraph 251 of the report according to which judgements by State security courts must be ratified by a military court.

Freedom of religion and conscience; rights of individuals belonging to ethnic, religious or linguistic minorities (arts. 18 and 27)

22. How can the State party justify violations of the freedom of religion and belief, such as those to which the Baha'i have been subjected? What measures has the State party taken, or does it plan to take, to deal with declarations of apostasy, such as those directed against Professor Nasr Hamed Abu Zid? What are the legal consequences and practices of the decision of the Court of Cassation ordering the separation of Abu Zid from his wife on the grounds that a Muslim cannot be married to a non-Muslim?

23. What measures has the State party taken, or does it plan to take, to combat religious extremism and the use of religion for political purposes?

24. What preventive measures has the State party taken, or does it plan to take, to combat intolerance and discrimination based on religion or belief?

25. Please clarify whether or not Egyptian law criminalizes publications that portray certain racial or religious groups in an offensive or stereotyped manner, or which tend to incite discrimination, hostility or violence against such groups.

Private life and non-discrimination (arts. 17 and 26)

26. Please provide information on the existence, in law and in fact, of discrimination based on sexual orientation. Please explain how the criminalization of certain acts described as "debauchery" and "attacks on religion" on the basis of sexual orientation are justified in the light of articles 17 and 26 of the Covenant.

Freedom of expression, freedom of association, involvement in public affairs (arts. 19, 22 and 25)

27. What action has been taken or is planned to protect the freedom of expression of human rights defenders as regards article 19 of the Covenant?

28. What is the procedure for registering non-governmental organizations, in particular those concerned with the protection of human rights? Please comment on decree No. 592 by the Prefect of Cairo (20 September 1999) refusing to register the Egyptian Organisation for Human Rights and 13 other organizations. On what grounds and under what procedure can registration be cancelled, and what legal remedies are available in such cases?

29. Please give details on the legal status of *hisba* and specific information on its use before and after the reforms of 1996, and explain how far the practice of *hisba* is considered to be compatible with articles 18, 19, 20, paragraph 2, and 23 of the Covenant.

30. The report is vague on the regulation of political parties (para. 604 (b), "political parties are regulated by law", and para. 605 (e)). Please give more details on the legal provisions governing the registration of political parties. Political Parties Act No. 40 of 1977 (para. 605 (e)) establishes a committee that can order a political party to cease its activities, stop publishing its paper, and forbid citizens to join a political party. That committee is said to have accepted only 5 applications for registration, and to have rejected 50. Please provide details on how the committee operates.

31. Please clarify the discrepancy between paragraphs 10 and 610 of the report concerning the number of political parties in Egypt. Please justify the existence of article 2 of Act No. 73 of 1956 (para. 605 (a) (ii) of the report) on the exercise of political rights in the light of article 25 of the Covenant. Please also comment on the amendment of that Act in 2000, which abolishes judicial supervision of municipal elections and transfers that responsibility to the Ministry of the Interior.

Dissemination of information regarding the Covenant and the Optional Protocol

32. Can non-governmental organizations working to protect human rights in the territory of the State party freely disseminate information on their activities and the safeguards set forth in the Covenant? Please explain how the associations bill promulgated by the Egyptian Parliament on 3 June 2002 differs from Act No. 153 of 1999 on "private associations and institutions", which was ruled unconstitutional in June 2000. Please comment in particular on article 42 of that bill, which would allow the Ministry of Social Affairs to dissolve an organization by simple administrative decision, and on article 17, which prohibits the transfer of funds from abroad without prior Government approval.